

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 06-2155 (MJD/JSM)

KAREN PETERSEN,)
Plaintiff,)
v.)
UNITED STATES OF AMERICA,)
Defendant.)

ORDER

This matter came before the Court on September 27, 2007, upon the motion of the United States to dismiss this civil action under Federal Rules of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and 12(b)(6) for failure to state a claim. Plaintiff Karen Petersen was present and represented by her attorney Paul Schneck. The United States was represented by Assistant United States Attorney Timothy C. Rank. Based on a review of all the files, pleadings, records, and proceedings herein, the Court concludes that:

1. There is no legal authority for plaintiff's attempt to convert the criminal proceedings against her in Criminal File No. 05-97 (MJD/JSM) into a civil action, and thus this Court is without subject matter jurisdiction over the plaintiff's claims;
2. Because there is no authority for the relief sought by plaintiff in the above-referenced matter, she has failed to state a claim upon which relief can be granted;

3. ACCORDINGLY, IT IS HEREBY ORDERED that, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), the above is DISMISSED.

Dated: September 27, 2007

s / Michael J. Davis

The Honorable Michael J. Davis
United States District Judge

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